1861-10 Southampton Co. Hundley, James et als vs Davis, Madison J. etc

Cashy, Thomas + Darilla J
his wife

(Estate Settlement)

Hundley & wife &c

vs. } Papers

Davis admr. &c

I do transmit
as said exhibit.
D. R. Kidd, D.D.

62

Hundley & wife
Corley & wife
vs
Madison J. Davis &c

Bill

1860 October Rules

1680 words.

To the Hon. Richard H Baker, Judge of the Circuit Court for Southampton County —

Humbly complaining sheweth unto your honor your complainants Thomas Corby and Davilla J Corby his wife, and James Hundley and Varina S Hundley his wife, that John Davis father of said Davilla and Varina, departed this life in the year 1856, having previously executed his last will and testament, which was duly admitted to record in the County Court of Southampton County on the 16th day of June in the said year 1856. a copy of which is herewith filed as a part of this bill, and is marked "A" —

By reference to the said will, it will be observed that the said testator loaned all or nearly all of his estate of every kind to his wife Mary Ann Davis, during the term of her natural life, and at her death, ~~and at her death~~, directed the larger portion of it to be equally divided between his only children, to wit: Varina J Davis, Madison J Davis, and your complainants Davilla J Corby and Varina S Hundley (then Davis) —

Yet the said Mary Ann Davis, instead of retaining possession of the property so loaned to her during her life, and using the same for her benefit; in the month of January in the year 1859, actually made sale of a large portion of said property, that is to say, all of the chattel estate as your complainants are informed, amounting in value to upwards of one thousand seven hundred dollars, thus defeating the will in this respect by which she herself held possession of said property —

Your Complainants state that about the same time, to wit about the beginning of the year 185-9. the said Mary Ann Davis voluntarily surrendered and delivered to your complainants a portion of the negro-slaves, which she held for life, and to which they would have been legally entitled not until her death, under the will of John Davis; but that the said negro-slaves were of no value to the said Mary Ann Davis, being for the most part women and children - and furthermore the said Mary Ann Davis took from your complainants, bonds for the yearly hire of the said negroes, thereby retaining the title to them, in herself - and the said Mary Ann Davis also departed this life in the year 185-9. having executed her last will and testament, which was duly admitted to record in the County Court of Pendleton on the 16th January 1860. a copy of which marked "B" is filed as a part of this bill -

Your complainants further represent and charge that the accounts current returned to the Clerks office in the County Court of said County, by Madison J Davis Executor of the said Mary Ann Davis (who qualified as such as will be seen by an abstract from the records of the County Court of said County hereinto filed (marked "C") as part of this bill

All of which is contrary to equity and good Conscience and injurious to the rights of your complainants. as they are informed -

Therefore to the end that justice may be done, and in manner as your complainants are without remedy save in a Court of equity, They humbly pray that Mrs J Davis, Madison J Davis, George H Dick and his wife Marietta H may be made parties to this bill - and the said Madison J Davis also as Executor of Mary Ann Davis - that a decree may be made referring the accounts current, which have been returned to the County Court by the said M J Davis Exr of Mary Ann Davis deceased, to a Commissioner of this Honorable Court in order that the same may be examined and falsified - that the said Commissioner may also take an account ascertaining the value of the property sold by Mary Ann Davis in the year 185-9. and which was held by her as a life estate only under her said husbands will - that the said Madison J Davis Executor of the said Mary Ann Davis may be required to return an account showing the value of the whole personal and chattel estate of every kind in found in his possession at her death - that your honor will grant such other and general relief as equity may dictate and the nature of this case may require -

And as in duty bound your complainants will ever pray &c

Pendleton & Kinder, p.q.

To the Hon. Richard H Baker Judge of the Circuit Court of Southampton County, in Chancery sitting ——

Humbly complaining sheweth unto your Honor, your Orators, James Hundley and Parsies his wife, Thomas E Corky and Davilla his wife, that on or about the 1st Monday in October 1860, your Orators filed their Original Bill in this honorable court, against Madison J Davis and others, stating therein, that John Davis, father of said Parsies and Davilla departed this life in the year 1856, having previously executed his last will and testament which was duly admitted to record in the County Court of Southampton County, on the 16th day of June in the said year 1856, as will appear by a copy of said will filed the original bill, and which original bill is prayed to be taken as a part of this the amended bill, and therein stating that John Davis by his said will bound all or nearly all of his estate of every kind to his wife Mary Ann Davis during the term of her natural life, and at her death directing the larger portion of it to be equally divided between his only children: to wit: Merit J Davis, Madison J Davis, and your Complainants, Parsies J Hundley and Davilla J Corky (then Davis) and that the said Mary Ann Davis instead of retaining possession of the property so bound to her during her life, and

using the same for her benefit sometime in the months of January 1859, actually made sale of most of said property in the value of about one thousand seven hundred dollars, thus defeating the will of said John Davis in this respect. And that about the same time, the said Mary Ann Davis voluntarily surrendered and delivered to your complainants, a portion of the negro slaves, which she held for life, and that most of said slaves were of no value being for most part women and children, taking from your complainants, bonds for the yearly hire of said slaves. Thereby retaining the title to them in herself. And that the said Mary Ann Davis also departed this life sometime in 1859 having first made her last will and testament which was duly admitted to record in the County Court of Southampton County and that Madison J Davis qualified as her Executor, and that the said Madison J Davis had returned to the Clerks Office of the County Court of said County, an account of his transactions as such Ex. all of which was charged to the contrary in equity and good conscience, and praying that the said Madison J Davis George W Davis and Mariella his wife, and the said Madison as Ex. of Mary A Davis to be made parties to this bill - that the accounts current of Madison J Davis Ex. of Mary A Davis might be examined and settled that the said Madison J Davis should render an account showing the value of the property sold by Mary A Davis in 1859, and an account showing the value of all the property found in her possession at her death, all of which facts will more fully appear by reference to said original bill, which is herewith filed and prayed to be taken as a part of this the amended bill. And now your orators by way of amendment would state that the claim of John Davis will which loans to his wife Mary A Davis during her natural life a larger portion of his property, for her use and benefit does not vest in her the right to dispose of by sale any more of said property than would be sufficient for her own private consumption and immediate use, but instead of this your orators charge that she did actually make sale of a large portion of the slaves at the value of $1700 or $800, and that the sum of $567.00 was paid over to her for him, with the understanding, that it was to be equally divided among the parties entitled at her death, thus carrying out the provisions of John Davis will, under which we contend, for it is not to be expected that your complainants would have surrendered to her one third of said amount of $1700. upon consideration of the other two thirds, when it is understood that her health was rapidly declining and could not live at the longest more than twelve months as she did not; and such was not the intention as will be proved.

Your Orators charge however that the said Mary Ann Davis departed this life in the year 1859, short time after said sale, having

first made her last will and Testament and appointed Madison J Davis her Executor, as will appear by reference to original bill. In this will she gives to Madison J Davis all of her stock in trade of every description and other property probably to the value of one thousand dollars or more, all the household and kitchen furniture, thereby defeating the will of John Davis, for this your Orators contend and charge belongs equally to the heirs of John Davis dec'd according to the provisions of said will. That the Executor of Mary A Davis refuses to surrender up the $567.00 which your orators contend belong equally to all the heirs of John Davis dec'd.

Your Orators would further state that by reference to said will of Mary A Davis, she gives a legacy to Merit J Davis of $1 all amount she was owing her, which legacy amounted to $306.35 as will be seen by reference to Madison J Davis account current of his transactions as Ex'r of said Mary A Davis filed herewith marked "B", This being a sufficient inducement to make him content with the will of Mary A Davis, his share thus being greater or larger than it would be, were it all divided according to the provisions of John Davis will. Thus this honorable court will perceive that your orators only are interested sufficiently to prosecute their rights under John Davis will

Your Orators further represent that the said Madison

Davis' Exr.

} Answer of Mad^{a} J. Davis Exr &c.

Handly Surfe Sol:

1866 Nov 6th.

(1

To the Hon. R. N. Baker, judge of the Circuit Court of Southampton County;

The answer of Madison J. Davis, as Executor of Mary Ann Davis deceased, and in his own right, to a Bill exhibited in said Court by Thomas Cosby and others against him and others.

This Respondent says, that it is true John Davis the father of the female Complainants departed this life, and left a will, a copy of which is filed with said Bill.

That the said John Davis by the first clause of his said will says "I lend unto my wife during her natural life "all my lands together with all my slaves & their increase. I also "lend her all my crop now on hand, all the bacon, all my "household & kitchen furniture, all my stock of horses, mules, "hogs, cattle, sheep & their increase, all my plantation "utensils, but if she thinks proper she can sell any part "of the stock or crop for her own use."

That the said John Davis by his will in the 7th clause, directs all his property not otherwise disposed of to be sold & his Debts and legacies to be paid, and the surplus divided as therein directed.

Your Respondent is advised that the said will gave to the said Mary Ann Davis an absolute estate in all his ~~property~~ stock & crops, with power of absolute disposal of the same. That among the chattel estate of said John Davis which came into the hands of said Mary Ann Davis, there was a large amount which was consumed in its using, such as wheat, corn fodder, bacon &c. and that another large part consisted of farming utensils, and of such property as soon became worn out or died. - a copy of the Inventory of said John Davis' estate is filed herewith as part of this answer & marked (A).

That the said Mary Ann Davis with the lands, negroes &c. obtained under the will of

her said husband, John Davis, proceeded to make three several Crops of corn, fodder, peas &c. and to raise as many several parcels of hogs, cattle &c. to int. in 1856, 1857, and 1858, and that the profits and income from the use of said estate for the said three years amounted to a large sum of money, to wit: much more than the sum of $567.69 hereinafter referred to— and your Respondent charges that all such profits and income belonged in fee simple to the said Mary ann Davis.

That in January 1859, the said Mary ann Davis being aged and infirm agreed to ~~delegate~~ her cares, have a sale of all the chattel estate, in her posession, as well such as remained of that lent by her husband or given by her husband, as that made by her from the use of the same and to surrender to her children nearly all the negroes, all the Lands & all the proceeds of the chattel estate in her possession except the small sum of $567.69 which she retained in fee simple, as she had a right to do, & as agreed to by all parties, especially the said plaintiffs—

That the said property sold for $1753.48 which with six months added (being sold on credit) $52.60 makes $1806.08, out of which a special legacy of $103. was paid to Manilla Davis, and then the sum of $567.69 was retained by said Mary ann Davis as above & $359.18 assumed to pay debts contracted and the Balance of $776.21. was divided as follows— one fourth or $194.05 was paid to the said James Hundly, as follows-$148.63 in purchases at said sale & $45.42 in cash as will appear by his receipt filed herewith marked (B.) That the like sum of $194.05 was paid to the said Thomas E. Cosby as will appear by his receipt filed herewith & marked (C.). That the like sum of $194.05 was paid to Merit J. Davis-$169.55 in purchases at said sale & $24.50 in cash as will appear by his receipt filed herewith marked D.) and a like sum of $194.05 was paid to this Respondent, & That the sum of $359.18, was paid over to Mary ann Davis for the purpose of paying the debts as aforesaid, & being all in sales bonds taken payable to said Mary ann Davis, Madrin J Davis, Merit J. Davis, Thos. E. Cosby & Jas. Hundley was assigned over to said Mary ann Davis by the obligees in said bonds (one of which said Bonds is filed herewith & marked (E.) — a full account of said settlement agreed to by all the said parties is filed herewith marked (F.)

That the negroes thus surrendered to the several parties were ~~—~~ invaluable & were duly valued by Sam Kello, J. B. Vick and Jas. A. Gillette, three disinterested gentlemen and duly placed in possession of the parties, the said Mary ann Davis only taking a Bond from each party for one dollar or some nominal amount (see paper marked (G). That the account of sales made by said Mary ann Davis in January 1859 as aforesaid contained articles produced by her after her husbands death to an amount much larger than the $567.69 aforesaid.

Your Respondent charges that the said James Hundly was present at the said sale, & bought property, and aided about the same, and that the said Thomas E. Cosby took his part of said sales & executed his receipt as above and acquiesced in the same. That the Chattle estate of John Davis amounted to about $1100. and that sold

by Mr. Mary Ann Davis, amounted to nearly $1800,-

Your Respondent objects to having his account as Executor of Mary Ann Davis dec'd referred to a Commissioner to be surcharged and falsified, inasmuch as no error is alleged & none specified — Your Respondent has been led to suppose that the Plaintiffs intend to claim that the said sum of $567:69 retained by Mrs. Davis as aforesaid was only retained by her for life and therefore should now be divided among the Legatees of John Davis dec'd — But this your Respondent denies, for the said Mary Ann Davis was entitled to all the negroes, land & other estate of her husband, John Davis dec'd, at least for life, & as the same was profitable to her there was no inducement to her to surrender nearly all the said estate & retain only a few old negroes to wait on her as she did & the said sum of $567:69 — But the truth is, she, as a matter of favor & benefit to her children surrendered the negroes, to them with about $12,000. & retaining a nominal title by taking bonds for a nominal hire, and also the greater part of the chattle estate in her possession, retaining only $567:69 a sum much less than what she had made which was her own in her simple

The chattle estate obtained from her said husband was only about $1100, from which if you deduct at least $500 in value for articles consumed in using, have only about $600, whereas she sold about $1800, thus shewing she had made about $1200, a sum much larger than that then retained by her.

The setting possession by the Parties of a large number of negroes & some money ($776:21.) was a sufficient reason to the heirs to relinquish any right, if they had any, in the $567:69,

but they had no such right, and what was done by said Mary Ann Davis, was a kindly act to her children (who are the Legatees of said John Davis) —

Your Respondent begs to believe that the settlement made in the life time of said Mary Ann Davis, the mother of the female Complainants & of your Respondent, and which was to the advantage of the Legatees aforesaid (which was acquiesced in by all parties) would never have been sought to be disturbed, but for the fact that the said Mary Ann Davis by her will filed in the cause gives the greater part of her property (all not being of any great amount) to your Respondent: & your Respondent begs that the Plaintiffs, who have received all the benefit of the said division and arrangement should never have intimated to said Mary Ann Davis in her life time or to your Respondent that any claim to the sum of $567:69 aforesaid would be set up by them after the death of said Mary Ann Davis (as in such case clearer evidence might have been had of the facts alleged in this answer —

And having answered &c.

Madison J Davis Exr

John R Kelly P.Q. and in his own right

Southampton County to wit.

Madison J Davis this day made oath before me Clerk of the Circuit Court of Southampton County that the facts stated in the foregoing answer are true to the best of his knowledge and belief. Given under my hand this 8th day of November 1860

J R Edwards Clk

Hensley Suite
vs Sans. &c
Davidson

1862 May 2nd
~~1861~~ Sept 15

The answer of Madison J. Davis as Executor of Mary Ann Davis dec'd. and in his own right to an amended Bill in chancery exhibited in the Circuit Court of Southampton County by James Hundley and others —

This Respondent saving &c. say that he refers to his former answer in this cause & prays that the same may be adopted a part of this answer to the said amended Bill and he denies most emphatically that the sum of $67. referred to in the said amended Bill was paid over to Mary Ann Davis his testatrix for her life only, but was by consent of all parties, vested by her in fee simple, & he denies that there was any understanding that said sum was to be divided among the parties (heirs & legatees of Wm. Davis dec'd) at her death —

This respondent also denies that when this arrangement was made, by consent of all parties, that Mary Ann Davis was

rapidly declining in health, but was on the Contrary in her usual good health and it was some time after this arrangement before her health became very bad, & after it did so become bad, it then continued for some several months till her death.

This Respondent denies that the Chattle estate given him by Mary Ann Davis was worth $1000, or any thing like that sum, but was on the Contrary only worth about half that sum as the records will shew.

This Respondent also denies, that he charged $150 in his Executorial account for medical services, but he did charge $50 for medical services during the several months illness of Mrs Mary Ann Davis & $50 for similar services to her negroes one Cor 7 in number for a number of months services, & he is willing to have these items scrutinized, because he knows they are just & very reasonable. He also says that there is no error in the charge of $75.72 as referred to in said Bill & the same was for expenditures & other matters made & furnished to Mary Ann Davis & to which he is justly entitled. She therefore denies that the plaintiffs have the right to discharge & falsify the said Executorial account. She further denies that the plaintiffs have any right legal, moral or otherwise to disturb this family settlement, made by all parties who are of full age & made with a full knowledge of all the facts & for the benefit of all. & this Respondent is constrained to believe that but for the death of Mrs. Mary Ann Davis sooner than was expected & the small legacies to him, this suit would never have been brought, - a suit which can in no way promote that good feeling which ought to prevail between members of the

same family —
and this Respondent having and duly
signed: Madison & Davis Exors
of
Mary Ann Davis
Decd

Southampton Circuit Court Clerks Office Sept. 13 — 1861
This day Madison & Davis Exr. Mary Ann Davis made oath before me Clerk of
the Court aforesaid, in my Office, that the facts stated in the foregoing answer are true
to the best of his knowledge and belief — Given under my hand this day & year aforesaid
J. R. Edwards Clk

Davis
ats. } answer
Hundley. ?

M. J. Davis.

1860 Nov. 8

The answer of M. I. Davis to a bill, exhibited in the Circuit Court of Southampton, against him & others by Hundley and others.

This defendant, saving & reserving to himself all benefit &c. for answer, to the said bill says — That he adopts the answer of M. I. Davis one of the defts. — which is filed in this cause, as his own answer — as fully as if herein specially restated. And hoping answer prays to be hence dismissed —

May it please the Court

Merit. I. Davis

Southampton County To wit.

This day M. I. Davis personally appeared before me ~~a Justice~~ Clerk of the Circuit Court of Southampton County and made oath that the facts stated in the foregoing answer are true to the best of his knowledge and belief.

Given under my hand this 8th day of November 1860

L R. Edwards clk

"A"

John Davis' Will.

Mosley

Cosby
Hundley & Ellis P
vs 3 Ex: with bill

Davis P

44

I, John Davis of the County of Southampton & State of Va. do make this my last will and Testament in manner & form as follows viz.

Section 1st. I lend unto my wife during her natural life all my Lands together with all my Slaves & their increase I also lend her all my crop now on hand, all the Bacon, all my Household & Kitchen furniture, all my Stock of horses, Mules, Hogs, Cattle Sheep, & their increase all my plantation utensils, but if she thinks proper she can sell any part of the Stock or Crop for her own use.

Sect. 2d. I give unto my son Merit J. Davis at my wifes Death my man Tom, I also give him my man Randal & one bed, he having had said Randal & bed in possession but if the boy Tom should die before he get possession of him, then Maad. Cosby & Yarico to raise four hundred Dollars & give to Merit

Sect 3d At my wifes Death I give unto my son Mad. J. Davis all my Land lying on the South side of the Smithfield road, I also give him my Boy Sam. also my Still Casks & all my cider works, I also give unto my Daughter Cosby, one bed & furniture, I give unto my son Thaddeus one bed & furniture

Sect. 4th At my wifes Death I give unto my Daughter Yarico J. Davis my Boy Jesse one Feather Bed & furniture all the Extra Bed furniture that she has made & calls hers also one large chest Marked M. M.

Sect. 5th At my wifes Death I give unto my grand Daughter Marietta V. Davis my man Sprattley, but if she should die whould leaving a child, then the man Sprally is to return to my estate and be equally Divided among my children, I also leave her one hundred Dollar upon the same terms as the man Sprattley.

Sect. 6th At my wifes Death all the Slaves I have loaned to her if not otherwise disposed of is to be divided equally between my Daughter Cosby & my Daughter Yarico J. Davis If there should be any monys due me after paying my debts I leave it to be divided between Merit my Daughter Cosby & my Daughter Yarico.

Sec.ly" At my wifes Death all the property not otherwise disposed of I leave to be sold out of which (together with any moneys due) paying my Debts & Legacys and the Surplus, if any, be divided between my Son Merrit, my Son Maddison, & my Daughter Cosby & my Daughter Yanies but if the man Spratley that I have given to my grand Daughter Shand die before she gets possession of him then there is to be four hundred $ to be raised by Merit Maddison, Cosby & Yanies which four hundred Dollars I give my Grand Daughter Henrietta upon the same terms & conditions as I provided for her in the 5th Section of this my will respecting the man Spratley.

I do hereby constitute & appoint my two sons Merrit & Maddison my Executors to this my last Will & Testament

In testimony where of I have hereunto set my hand & affix'd my Seal this 23d day of Feby 1856.

Joseph Gardner
David A. Joynes
Wiley W. Gardner

John Davis (Seal)

At a Court held for the County of Southampton, July 21st 1856

On the motion of Merritt J. Davis & Madison J. Davis, the Executors named in the last Will and Testament of John Davis dec'd. who made oath and gave bond and security according to law, Certificate is granted them for obtaining a probate of the will of the said John Davis dec'd. in due form.

Copy
Henry J. Howard, D.C.

At a Court held for the County of Southampton the 11th day of June 1856. This last Will and testament of John Davis dec'd. was this day proved by the oaths of Joseph Gardner & David A. Joynes, two of the subscribing witnesses thereto, and ordered to be recorded.

Test,
A.R. Edwards, C.C.

Copy
Henry J. Howard, D.C.

"B" 46"

Mary Ann Davis

Will

Cosby (Atkey)
Handley Willis &
& } Ex: with Will.
Davis &

404

In the name of God, Amen. I Mary Ann Davis of the County of Southampton and State of Virginia being in feeble health but of sound mind and memory, do make and ordain this as my last Will and testament in manner and form as follows:

First. I give and bequeathe to my grand daughter Marietta V Davis one green bed stead and bed and furniture: also one chest of drawers, to her and her heirs forever.

Secondly. I give and bequeathe to my grand son Edgar W Davis one trundle bed and furniture to him and his heirs forever.

Third. I give and bequeathe to my son Merit J Davis all moneys or debts which he may owe me at the time of my death, with the exception of fifty dollars of said debt: which said fifty dollars (out of said debt) I give and bequeathe to my grand daughter Marietta V Davis to her and her heirs forever.

Fourth. I give and bequeathe to my son Madison J Davis all of my household and kitchen furniture - all of my mules, cattle, hogs, crops of every kind, and all of my chattel estate of every kind not herein otherwise disposed of: but this clause is not intended to include money, except such money as may arise from the sale of crops of any kind, which latter it does include, and all other personal estate.

My intention I wish to be plain - my son Madison and myself are farming in co-partnership - at my death I wish him to have all the crops then on hand, or should any be sold and the money be still due for them or collected and in hand for said crops. I wish him to have the money as he would the crops provided they had not been sold.

Fifth. Should any moneys be left of my estate, after the payment of my just debts, and the payment of the specific legacies herein bequeathed, I give and bequeathe out of that balance so remaining and found to be due (that is to say, all moneys that may be due me except that arising from the sale of crops, which said crop-money I have disposed of in the clause next preceding this) - To my grand-son Edgar W Davis one hundred dollars to him and his heirs forever - The remainder of the said money-estate just alluded to in this clause I wish to be equally divided between my daughters Drucilla J Cosby and Darcus J Hundley - to the said Drucilla and her heirs forever - Should the said Darcus not leave any lawful heir to attain to the age of twenty one years, then the portion of my money-estate hereby in this clause given to her, I give and bequeathe

to Madison J. Davis and his heirs forever. But should Davis leave any heir or heirs to reach the age of twenty one years, in that case I give and bequeath the said balance or her share of the same to be equally divided between her said heirs, to them and their heirs forever. Lastly I hereby appoint Madison J Davis Executor to this my last Will and Testament. Witness the following Signature and Seal this 30 August A D 1859.

Signed, Sealed and acknowledged in presence of the undersigned Witnesses. who signed in presence of the testatrix and in presence of each other

Joseph Gardner
Wiley W Gardner

Mary X Ann Davis (Seal)

At a Court held for the County of Southampton January 16th 1860

This last Will and Testament of Mary Ann Davis dec'd was this day proved by the oaths of Joseph Gardner and Wiley W Gardner the Subscribing witnesses thereto and ordered to be recorded. And on the motion of Madison J Davis the Executor therein named who made oath and together with Merit J Davis his security (who justified on oath as to his sufficiency) entered into and acknowledged a bond in the penalty of two thousand dollars conditioned according to law. Cert[ificate] is granted him for obtaining a probat of the said Will in due form

Teste.

L R Edwards Clk

A Copy

Teste L R Edwards Clk

Inventory & Appraisement

John Davis Est.

Copy.

(A.)

An Inventory and Appraisement of the personal property of John Davis dec'd and also of a Tract of Land directed in his Will to be Sold.
Taken by the undersigned nominated and appointed by the County Court of Southampton on the 15th day of August 1856.

	$	Cts		$	Cts
5 Axes 1 pr Wedges & 1 do	3	00	1 Black Jenny Mule	150	00
2 Handsaws & 1 Adz		75	1 Bay " do	80	00
Lot of Pick forks	2	50	1 Jack " do	150	00
dot Weeding hoes	1	60	1 Roan Horse	10	00
dot Grub hoes	3	00	11 Head Cattle	120	00
dot of Trumpery		25	1 yoke Oxen	41	00
Box & Contents		50	20 Head Sheep	25	00
1 Spade & Cross Cut Saw		50	90 Head Hogs	300	00
Harness & Cart frame		50	Apple Mill & Presses	15	00
5 large Stands		50	44 Cyder Casks	13	20
1 Old pair Gig wheels	2	00	2 Still tubs &c	30	00
1 Oat Cutter		50	1 Boiler	5	00
2 Barrels & lime		75	1 Tract of Land lying		
11 Plow hoes	5	00	North of the Smithfield		
4 Cutters	1	20	road supposed to be 300		
3 Boxes trumpery		25	Acres at $2.00	600	00
1 Cow bell & Adz		75	1100 lbs Bacon @ 13 c lb	143	00
2 Augurs & 1 drawing knife	1	00	1 Pair Ballances		50
1 Plow gear	1	00	2 Tables & 1 Washstand	3	00
9 Dayon Plows	10	00	1 Bed & furniture	20	00
6 Drag do	5	50	1 Pair fire Irons & tongs		50
2 Plows & 5 Singletrees	2	00	1 Single barrel Gun	5	00
2 Carts & Wheels	12	00	1 Side Board	25	00
23 Bus Wheat	34	50	1 Secretary Book Case & Desk	20	00
20 Barrels Corn	140	00	Flap table & Side board	5	00
2500 lbs Blade fodder	25	00	2 Rocking Chairs	8	00
1 Corn Sheller	5	00	1/2 doz Windsor do	4	00
1 Waggon & Harness	30	00	1 Candle Stand	1	00
1 Bed &	60	00	Tongs Shovel & fire	2	00
1 Steel Yoke & Ox bar	1	00	Irons		

		$	ct
8	Picture frames	1	50
1	Negro Man Sam	900	00
1	do do Bingham	900	00
1	do do John	1000	00
1	do do Stanley	1000	00
1	do do Fardarick	1000	00
1	Boy Sam	700	00
1	do Jesse	500	00
1	do Godfrey	500	00
1	do Winston	200	00
1	Negro Woman Beck	75	00
1	do Caroline	700	00
1	do Chany	850	00
1	Girl Lucy	450	00
1	do Edmond	200	00
2	Beds & furniture upstairs	70	00
1	Toilet Table & glass	1	00
1	Washstand Bowl & pitcher	2	50
1	Pine Chest	1	00
	Contents in Garret	20	00
2	Tables	10	00
1	Buffet	15	00
1	Bureau & Glass	8	00
1	Tin Safe & Contents	6	00
1	Day Clock	5	00
1	Bed & furniture	50	00
1/2	Doz Windsor chairs	3	00
1/2	do flag bottoms	1	50
3	Beds in Girls room	75	00
1	Safe up Stairs	1	00
1	Looking Glass	1	00
1	Hair Trunk	1	00
1	Pair flat Irons		50
	Contents in Dairy	5	00
1	Grind Stone	2	00
4	Iron Pots	4	00
3	Ovens	2	25
1	Small Pot		25
1	Frying pan & griddle	1	00
3	Pot Racks	2	25
	Contents in Milk dairy	6	00
		$1149	50

Wm. W. Cobb
Jesse B. Vick
John H. Davis

Madison J Davis
M. J. Davis
} Executors

Southampton County to wit.

This day personally appeared before me a Justice of the Peace for the said County Wm W Cobb. Jesse B. Vick and John H Davis and made oath that the above is a true and correct appraisement to the best of their judgment of such goods and chattels of the estate of John Davis dec'd and also the real estate of the said John Davis directed to be sold in this suit which were produced and shown to them for appraisement. Given under my hand this the 15th day of December 1856

Wm B. Westbrook J.P.

Southampton County. In the Clerks Office the 15th day of December 1856
This Inventory and appraisement of the estate of John Davis dec'd was returned & admitted To Record.

Teste

L.R. Edwards C.C.

A Copy

Teste. L.R. Edwards C.C.

James Hundley & wife
Thomas Cocky & wife
[illegible]
Madison J Davis &c

} Amended Bill

1861 March 21st.

(1920 words)

J Davis has returned his account current of his transactions as Admr of Mary A Davis dec'd to the Clerks Office of said county, and that there are two items in said account allowed said Executor which should not have been. To wit: One item of $50. medical bill, and an account of $75:72 allowed Exr as will appear by exhibits filed ("A") All of which are contrary to equity and good conscience. To the end therefore that justice may be done, and in as much as your orators are without remedy save in a court of equity, they humbly pray that Mrs J Davis, Madison J Davis, George W Nash & Charlotte V his wife, and also the said Madison as Exr of Mary A Davis, may be made parties defendants to this the amended bill, and answer the allegations thereof fully, that a decree may be made referring the account current of the said Madison J Davis Exr of the A Davis dec'd to a commissioner of this court, in order that the same may be examined and passified - that the said Commissioner may take also an account ascertaining the value of the property sold by Mary A Davis in the year 1859 and which was held by her as a life estate under her husbands will - that the said Madison J Davis Executor of said Mary A Davis may be required to return an account showing the value of the whole

personal and actual estate of every kind found in the possession at the death, and that your honour will grant such other and general relief as Equity may dictate, & the nature of this case may require. and as in duty bound your orators will ever pray &c

Pretlow & Es

"F"

Mary A. Davis'

Executorial Account

Handley &c

vs } Et: with amended bill

Davis &c

1572

Account

The estate of Mary A. Davis deceased.
In account with Madison J. Davis, her Executor.

		Dr	Cr
1860 January	To paid H. D. Butler acct.	4 13	
" "	" " Same 1/2 of joint acct contracted by the Exr of deceased	5 85	
" 26	To paid Joseph Gardner for making Coffin	25 00	
Feby 20	To paid Daden & Vick Store acct.	6 00	
January 18	By Cash received of Gillett & Pretlow amt of bond & interest		233 71
	To paid Daden & Vick 1/2 joint acct contracted by Exr. of deceased	37 42	
	To paid J. B. Vick 1/2 Store account	12 57	
	" " Samuel Kello account	4 66	
	" " Attorney for moving for Merit J. Davis to qualify as Curator of M. A. Davis	10 00	
	To paid for preaching funeral Sermon	5 00	
	To paid taxes for 1859	17 66	
	" " Arrington Gardner account	2 75	
	To paid A. B. & A. B. Urquhart 1/2 Store account	35 98	
	" paid Gillett & Pretlow 1/2 Store account	13 26	
	By amount of Bond & interest against Merit J. Davis		356 35
	To paid Merit J. Davis his legacy	301 35	
	" " Geo. W. Vick " "	50 00	
	To Commissions on $590.06	29 50	
	" paid Executor Medical bill	50 00	
	Amount Carried forward	605 53	590 06
1860	Amounts brought forward	605 53	590 06
	To paid A. S. A. Burgess bill rec.	22 00	
	" " James Smedley acct	9 36	
	" " Denson Pretlow acct	2 50	
	" Amount retained to pay Clerk's fee for recording bond of Merit J. Davis Committee	1 00	
	To Amount retained to pay Clerk's fees for recording appraisement taking bond &c	4 19	

	To paid Executor for Medical Services rendered the negro family	30 00	
	To Amount retained to pay Executor Account	75 72	
	To Commissioners fee for this account / Copy retained	1 50	
	To Clerks fees for recording same retained	2 00	
May 1	To Balance due Executor		188 74
1860		778 80	778 80
May 1	To Balance due Exr brought down	188 74	

Respectfully Submitted
Wm H. Fuller, Comr.

The following is an extract of Madison J. Davis' Executorial proceedings on the estate of Mary Ann Davis recorded in Smithampton County Court.

Henry J. Howard, D.C.

62.

Hundley
Dosby & Wife &c
vs } Stat. Rules
Davis &al

In Southampton Circuit Court.

Thomas Cosby and Davilla J. Cosby his wife and James Hundley and Garica J. Hundley his wife

against

Merrit J. Davis, Madison J. Davis, George W. Vick and Marietta V his wife & Madison J Davis Executor of Mary Ann Davis.

1860 Sept 24th Summons issued &c

" Oct R. Sum. ret. Executed - Bill filed - D. Nisi v Defts

" " " (Last Monday) Bill taken for confessed & cause set for hearing) &c

" Nov. 7. Answ of Mad J. Davis in his own right & as Ex. Mary Ann Davis & Merit J. Davis filed

1861 March 21st Amended bill filed & Sum. issued

" April R. Sum. ret. Executed - D. Nisi v Defts

" " " (last Mond.) Bill taken for confessed & cause set for hearing

Pay the within bond to Mary Ann Davis —

July 6/59.

Merit L. Davis
Marion L. Davis
James Hundley
T. E. Crosby

Pay the within bond to Gillett & Prellow.

Sept. 10th 1859.

her
Mary Ann X Davis
mark

Mad Davis

(39)

date, With Interest from date,
Ann Davis Widow of John
adison I. Davis, Thos. E Cosby
gates of the said dec'd Two
ven 84/100 Dollars for value
of which we bind Ourselves
presents
hands and Seales this 7th day

John D Boyhin Seal
Allen P Pitts Seal

277 84
23 60
301 44

477 94
4
1911 76
238
2149

477.94
2149
499.43

$277.84.

Six Months after
We promise to pay Mary
Davis dec'd, Merit I & Me
and James Hemdley Se
hundred and seventy se
vec'd. for the payment
& assigns firmly by these
Witness our
of January 1859

Witness
George H. Jolliff

499.43
277.84
21 59

499 43
301 40
198 03
8 14

23.60

2222 72
138
2360

Hundley & Wife &c
vs } Summ. Chy.
Davis &c

1860 October Rules

Executed Sept 22nd 1860 by delivering each of Copy of the within summons

G. W. Vick D. S.

Hundley Attest
Costs
Receipts

(8)

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON Madison J. Davis & Merit J Davis and the said Madison J. Davis as Executor of Mary Ann Davis & George W Vick & Martha V. his wife

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in October next, to answer a bill in chancery exhibited against them in our said Court by James Hundley & Parnica J his wife, Thomas Cosby & Davilla J his wife

and have then and there this writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 24th day of September 1860, in the 85th year of the Commonwealth.

L R Edwards Clk

Recd of Madison J. Davis Forty five Dollars and forty five cents in full as my pro rata of the proceeds of the Sales of the property of Mary Ann Davis as loaned to her during her life by her husband the late John Davis a portion of which was a legacy

James Hundley

Aug 1st 59

Handley &c

vs } Sum. Chy.

Davis &c
1861 April Rules

Executed March
26th 1861. on Merit
J Davis & Madison
J Davis by delivering
them a copy of the
within summons.

Glovick shff

Glovick & Wife
acknowledge the service
of the within summons

The Commonwealth of Virginia. To the Sheriff of Southampton County. Greeting.
We command you to Summon Albert J Davis Madison J. Davis. George W Vick &
Marcella his wife & Madison J Davis Exor: of Mary A Davis.

to appear at the Clerks Office of our Circuit Court of Southampton County at the Rules to be
holden for the said Court on the first monday in April next to answer an amended bill in Chancery
exhibited against them in our said Court by James Rawley & Davis & his wife, Thomas C
Cosby & Darcella his wife

And have then there this Writ Witness Littleton R Edwards Clerk of our said Court at
the Courthouse this 21st day of March 1861 in the 85th year of the Common-
wealth.

LR Edwards Clk

We the subscribers hereunto by the request of the parties concerned, did on the 18th. day of Dec. 1858. divide the following named Negroes between James Hundley in right of his wife; and Thomas E Cosby in right of his wife — — and allotted and drawn by Mr. Davis, to James Hundley The following follows, Fed. $1200 — Caroline $450. Emma $450 — Wingey $450 = $2550 pays 62½ $. and the other to Th. E. Cosby valued as follows, Godfrey $850, Chany $1000, Phebe, $200, Henry $225 and Jemima $150 = $2425 being $62½ —

Whole valuation $4975.

Saml Hall
D. B. Vick
James A. Gillette

Recd of Madison. I. Davis One hundred and ninety four Dollar and fifty cents in full as my part of the proceeds of the sale of the property of Mary ann Davis as bounden to her during her life by her husband the late John Davis dec'd of whom I was a legatee.

July 6 1869

Thomas E. Cosby

Rec'd of Madison L. Davis Twenty four Dollars and fifty cents in full as my part of the proceeds of the sale of the property of Mary Ann Davis ~~of whom I was a Legatee~~ as loaned to her during her life, by her husband the late John Davis dec'd of whom I was a Legatee

July 6/59.

Mad. L. Davis

Amount account Sales	1753.48	
Six Months Interest	52.60	$1806.08
Deduct Marcilles Legacy Amt.		103.00
" Widows portion 1/3		$1703 08
		567.69
		$1135.39
Deduct Indebtedness Est & Int		359.18
Bal of the Est to be equally divided in 6 shares		$776.21
Amt each Legatees part of the Est		$194.05

To James Hundleys share	$194.05	
By amt of his purchase & Int	148.63	
To bal due Jas Hundley to Jany 1st 59	$45.42	
To Merit I. Davis share	$194.05	
By amt of his purchase & Int	169.55	
To bal due Merit I. Davis to Jany 1st 59	$24.50	
To Thos E. Corley's share & Int	$194.05	
To Dr. Davis share	$194.05	
By amt of his purchase Amt	587.63	
	$393.58	
Paid Debt of the Est of his testr & Int	82.17	
due the Est by Dr. Davis to Jany 1st 59	$311.41	
Widows portion & Int	$567.69	
By amt of her purchase & Int	276.65	
To bal due Widow to Jany 1st 59	$291.04	

of the Est.

Amt of debts	
Hundley	45.42
Merit	24 50
Corley	194.05
Widow	291.04
Debts of Est	277.01
Marcilles Legs	103.00
Total	$935.02

& Int.

~~Amt of bonds $599.96~~

~~Difference~~

Amt of bonds in hand

$623.57.

Amt due by Dr. Davis 311.41

$934.98

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON Madison J. Davis & Mark I Davis and the said Madison J Davis as Executor of Mary Ann Davis & George W Vick & Martha V his wife

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in October next —, to answer a bill in chancery exhibited against them — in our said Court by James Hundley & Agaries I his wife Thomas Cobb & Darilla his wife

and have then and there this writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 24th day of September 1860, in the 85th year of the Commonwealth.

L R Edwards Clk

I wish the clerk of the within named court to dismiss the within named suit so far as I am concerned. I never consented to bring the suit, and I now authorize the Clerk or Jno. R. Kilby or attorney for myself & wife to dismiss the suit so far as my wife & myself are concerned —

Dec. 7. 1860.

Thomas C. Cosby
for self and wife.

W. Clark —
Leard May

File Thos. C. Cosby's
case dismissed
v
Rowden &c

Plaintiff's
v
Davis &c

1860 Dec. 18